

AMENDMENT UNDER 37 C.F.R. § 1.111 AND
STATEMENT OF SUBSTANCE OF INTERVIEW
U.S. Appln. No.: 10/628,286
Attorney Docket No.: Q76703

REMARKS

Claims 1, 3-6, and 8-22 are all the claims pending in the application. By this Amendment, Applicants cancel claims 2, 7, and 23 without prejudice or disclaimer.

Statement of Substance of Interview

As an initial matter, Applicants' representative thanks the Examiner for the courtesies extended during the telephonic interview conducted on April 28, 2009. In view of the helpful comments provided by the Examiner during the interview, and to expedite prosecution of the instant application, claims 1 and 3 have been amended. Applicants respectfully submit that the amendments place the application in immediate condition for allowance, as preliminarily agreed to by the Examiner subject to further consideration and/or search (*also see* Interview Summary issued by Examiner).

It is respectfully submitted that the instant STATEMENT OF SUBSTANCE OF INTERVIEW complies with the requirements of 37 C.F.R. §§1.2 and 1.133 and MPEP §713.04.

Claim Rejections - 35 USC § 101

Claims 1, 2, 11, 13, 15, 17, 19, and 20 are rejected under 35 U.S.C. § 101 as allegedly not falling within one of the four statutory categories of invention.

Applicants do not acquiesce to this rejection. In order to expedite prosecution, however, Applicants amend claim 1 to recite carrying out image processing, using an image processing apparatus, on each of the object regions by using the image processing condition. Accordingly, Applicants submit that the claim complies with the requirements of 35 U.S.C. § 101.

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Claims 11, 13, 15, 17, 19, and 20 comply with 35 U.S.C. § 101 *at least* by virtue of their dependency. Since claim 2 is canceled, the rejection thereto is rendered moot.

Allowable Subject Matter

Applicants thank the Examiner for indicating that claims 7-10 would be allowable if rewritten in independent form. The Examiner also indicates that claim 2 would be allowable if rewritten in independent form, and if the 35 U.S.C. § 101 rejection of claim 2 is overcome.

To expedite prosecution, Applicants amend independent claims 1 and 3 to include the features of allowable claims 2 and 7, respectively. Further, as noted above, the 35 U.S.C. § 101 rejection of claim 1 has been overcome. Accordingly, Applicants submit that this application is in condition for immediate allowance.

Claim Rejections - 35 USC § 103

Claims 1 and 3 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Marshall (US Pat. No. 4,208,652) in view of Tu (US Patt No. 5,841,902).

Claims 4 and 6 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Marshall ‘652 in view of Tu ‘902, and further in view of Holter (US Pat. No. 4,731,859).

Claim 5 is rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Marshall ‘652 in view of Tu ‘902, and further in view of Shiratani (US Pat. No. 6,418,238).

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Claims 11 and 12 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Marshall '652 in view of Tu '902, and further in view of Nagarajan (US Pat. No. 7,039,232).

Claims 13 and 14 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Marshall '652 in view of Tu '902, and further in view of Bishop (US Pat. No. 6,603,877).

Claims 15, 16 and 23 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Marshall '652 in view of Tu '902, and further in view of Nakao (US Pat. No. 5,999,647).

Claims 17 and 18 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Marshall '652 in view of Tu '902, and further in view of Tamagaki (US Pat. No. 5,608,543).

Claims 19-22 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Marshall '652 in view of Tu '902, and by relying on official notice (MPEP 2144.03).

Applicants do not acquiesce to these rejections. In order to expedite prosecution, however, Applicants amend independent claims 1 and 3 to include the features of allowable claims 2 and 7, respectively, as noted above. Accordingly, the alleged obviousness rejections are rendered moot.

Claims 4-6 and 11-22 are allowable *at least* by virtue of their dependency.

Since claim 23 has been canceled, the rejection thereto is rendered moot.

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Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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